



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: March 2, 2016

REPORT NO: 16-022

ATTENTION: Charter Review Committee

SUBJECT: Creation of a Charter Article for Independent, Non-Mayoral Departments and Offices.

REFERENCE:

REQUESTED ACTION: Move the following independent, non-mayoral administrative services from Article 5 to a new Article: Sections 37 - Personnel Director, 38 – City Clerk, 39.1 - Audit Committee, 39.2 - Office of City Auditor, 39.3 - Independent Budget Analyst, 40 - City Attorney, 40.1 – Concurrent Jurisdiction of City Attorney with District Attorney and 41 – Commissions.

STAFF RECOMMENDATION: Approve the requested action.

SUMMARY:

The requested action helps better communicate to the Charter’s readers the separation of powers that exists in our City’s governance.

Every student in American civics class learns that democracy works in large part because the Federal government operates as a “three-legged stool” of shared authority among the Executive, Legislative and Judicial branches. The third branch, Judicial/courts, does not play an immediate role in the governance of local cities like it does in the federal government. The third, independent, daily voice of checks and balances for city government resides not in one institution, but in a cluster of independent departments and offices. The City of San Diego’s independent departments and offices are described in Charter Article 5.

From 1931 when the Charter was first approved until 2006 when the Strong Mayor form of government was implemented, all departments and offices in Article 5 – Executive and Administrative Service were independent of the Mayor and City Council. The Article 5 departments were under the direction of the City Manager and the independent offices described there were directed by their respective head. (e.g. City Attorney, City Clerk, etc.) San Diego’s “three-legged stool” consisted of a Mayor, Council and City Manager.

With the implementation of the Strong Mayor form of government in 2006, many of the departments listed in Article 5 came under the direction of the Executive branch/Mayor for the first time. The City of San Diego continues to work in a triangle of shared authority; Mayor, Council and the independent offices listed in this requested action. However, the independent departments/offices are still described in Article 5 and may appear to the Charter's readers to also come under the direction of the Mayor when in fact they do not.

The requested action to move these independent department/offices to their own Charter Article will reaffirm their independence, accurately depict the City's governance by separation of powers, and more clearly distinguish the independent departments from Mayoral departments.

FISCAL CONSIDERATIONS: None

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None

KEY STAKEHOLDERS AND PROJECTED IMPACTS: The Departments/Offices involved are the only stakeholders and should not be impacted negatively by the action.

Originating Department: Council District 1